

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )

v. )

JOSEPH DAJUAN BETHEA )

Date of Previous Judgment: November 1, 2006 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 1:06CR00007-001

USM No: 21712-058

Albert J. Siemens

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: VI

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Previous Guideline Range: 151 to 188 months

Amended Guideline Range: 130 to 162 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction due to statutory mandatory minimum of 120 months.

**III. ADDITIONAL COMMENTS**

Pursuant to a Rule 35 motion, the defendant's sentence was reduced to 100 months on February 23, 2007.

Except as provided above, all provisions of the judgment dated November 1, 2006 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: June 30, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)



Lacy H. Thornburg  
United States District Judge

